



The Commonwealth of Massachusetts

**DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY**

MEMORANDUM

TO: Boston Edison Company; Cambridge Electric Light Company; Commonwealth Electric Company; Fitchburg Gas and Electric Light Company; Massachusetts Electric Company and Nantucket Electric Company; Verizon Massachusetts; and Western Massachusetts Electric Company

FROM: William Stevens, Hearing Officer

RE: Double Utility Poles Report, D.T.E. 03-87
Hearing Officer Ruling Requesting filing of Semi-Annual Reports in a Standardized Format

DATE: June 16, 2005

CC: Mary Cottrell, Secretary
Andrew O. Kaplan, General Counsel
Ron LeComte, Director - Electric Power Division
Michael Isenberg, Director - Telecommunications Division
Staff as Assigned

ATT: Hearing Officer Procedural Order with Double Pole Status Grid

Attached find a Hearing Officer Procedural Ruling that establishes a standardized format for filing semi-annual reports (1) updating the progress of poles owners towards elimination of the double pole backlog and (2) demonstrating compliance with the 90-day removal deadline for new double poles pursuant to G.L. c. 164, § 34B. Report to the Legislature on Double Poles, D.T.E. 03-87 at 15-16 (2003).



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DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Double Utility Poles Report)
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) D.T.E. 03-87
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HEARING OFFICER PROCEDURAL RULING ON STANDARDIZED FILING FORMAT FOR SEMI-ANNUAL DOUBLE POLE REPORTS

I. INTRODUCTION

On July 31, 2003, Chapter 46 of the Acts of 2003, "An Act Providing Relief and Flexibility to Municipal Officials," St. 2003, c. 46, was enacted. Section 110 of this Act required the Department of Telecommunications and Energy ("Department") to issue a report to the Joint Committees on Ways and Means and on Government Regulations ("Joint Committees") relative to reducing the number of double utility poles within the Commonwealth. The report was required to include (1) Department recommendations and proposed legislation for the enforcement of G. L. c. 164, § 34B ("Section 34B"), including penalties and waivers, and (2) an analysis of whether local enforcement by ordinance or by-law is preferable to statewide enforcement of Section 34B.¹ The Department docketed this matter as D.T.E. 03-87.

On September 30, 2003, the Department conducted a public hearing and technical conference on the issue of double poles. Interested persons were given the opportunity to submit written comments by October 9, 2003. On November 28, 2003, the Department submitted its report to the Joint Committees. Report to the Legislature on Double Poles, D.T.E. 03-87 (2003) ("DTE Report"). In the DTE Report, the Department examined the status of double poles in Massachusetts and the introduction by pole-owning companies of the Pole Lifecycle Management ("PLM") system, designed as a tool to improve enforcement of Section 34B relating to the removal of double poles within 90 days. The Department

¹ General Laws c. 164, § 34B requires in part, that a utility company "engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days of the installation of the new pole."

recommended the continued statewide enforcement of Section 34B. Id. at 5-10. The Department found that the new PLM database is a potentially valuable communications tool for managing the transfer of facilities and removal of double poles, and that further experience is needed to assess fully its effectiveness in that regard. Id. at 14-18.

The Department directed Fitchburg Gas and Electric Light Company (“Fitchburg”); Massachusetts Electric Company and Nantucket Electric Company (“MECo”); Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company (together, “NSTAR Electric”); Verizon Massachusetts (“Verizon”); and Western Massachusetts Electric Company (“WMECo”) (collectively, “pole owners”) to submit within 60 days, “detailed plans for eliminating the backlog of double poles as soon as reasonably practicable.” Id. at 15. In January 2004, the pole owners filed their plans for eliminating the backlog of double poles (“Compliance Plans”).

In addition to the Compliance Plans, the Department directed each pole owner to provide semi-annual reports (1) updating their progress towards elimination of the double pole backlog and (2) demonstrating their compliance with the 90-day removal deadline for new double poles pursuant to Section 34B. D.T.E. 03-87 at 15-16. Fitchburg, MECo, NSTAR, Verizon and WMECo filed their first semi-annual reports. As of the date of this Hearing Officer Ruling, Verizon and WMECo have filed their second semi-annual reports.

II. PROCEDURAL RULING

A. Compliance Plans

Although the pole owners’ plans for removing the backlog of double poles vary in the level of detail, each contains a plan for eliminating the backlog and commits significant resources to the task. The Compliance Plans outline process improvements, enhanced oversight and coordination, increased management accountability, and prioritize resources to cities and towns with the largest double pole backlogs. However, some of the Compliance Plans lack a crucial component -- a specific, firm deadline for the elimination of the backlog of double poles. Only Verizon and NSTAR propose specific dates for elimination of their backlogs. NSTAR proposes to eliminate its backlog by the end of 2006 and Verizon proposes to eliminate its backlog by June 30, 2007. Fitchburg, MECo and WMECo did not offer backlog elimination deadlines. Within fourteen days of the date of this procedural ruling, Fitchburg, MECo and WMECo should each file a revised Compliance plan that includes an express deadline for the removal of all backlog double poles.

B. Standardized Format for Semi-Annual Reports

The semi-annual reports presented facts in varied formats and level of detail. Further, pole owners have been filing these reports at different times throughout the year. A

standardized reporting format by the pole owners should (1) facilitate the exchange of information between pole owners, municipalities, and the Department, and (2) ensure that the pole owners are collecting and submitting comparable data. See D.T.E. 03-87 at 14-18.

The Department has developed the attached double pole status grid which is intended to standardize the format for the semi-annual reports (see Attachment A). This grid is designed to be populated with town-specific information on (1) the backlog of double poles, and (2) new double poles.² This uniform format, along with the other information discussed below, will enable the Department to effectively monitor the reduction in the backlog, the effectiveness of the PLM system, and the pole owners' compliance with the 90-day statutory deadline for removal of double utility poles.

In addition to the information contained in the status grid, each semi-annual report should contain a summary narrative report (specific to each pole owner) describing the pole owner's progress in meeting the terms of their individual Compliance Plans. Pole owners must indicate whether the specific individual goals contained in the Compliance Plans have been met (e.g., number of poles removed per month, management of the PLM system, etc.) and, if not, why they have failed to meet those goals.

Each semi-annual report also should describe pole owners' efforts to coordinate attachment transfers with licensees³ that have wires attached to the poles and should identify those licensees who neglect to transfer their facilities in a timely manner. When reporting a laggard licensee, information regarding the town, pole number, and communication with that licensee should be included in the reports.

C. Filing Requirements

Pursuant to 220 C.M.R. § 1.06(6)(a), Fitchburg, NSTAR and MECo shall file their second semi-annual reports and Verizon and WMECo shall amend their second semi-annual reports on or before June 30, 2005. These and all subsequent semi-annual reports should include: (1) the double pole status grid attached to this procedural ruling, and (2) the summary narrative report described above. In order to establish a uniform reporting date, pole owners

² For the purposes of the grid and reporting to the Department, "backlog" double poles are those poles set on or before January 31, 2004, and "new" double poles are those poles set after January 31, 2004

³ A licensee is any person, firm or corporation other than a utility, which is authorized to construct lines or cables upon, along, under and across public ways. 220 C.M.R. § 45.02.

should include actual data as of June 1, 2005. For the next cycle of semi-annual reports due on or before December 30, 2005, pole owners should include data as of December 1, 2005.

Consistent with the September 10, 2003 notice in this proceeding, an original and four (4) copies of all semi-annual reports and revised Compliance Plans must be filed with Mary L. Cottrell, Secretary to the Department of Telecommunications and Energy, One South Station - 2nd Floor, Boston, Massachusetts, 02110. All written documents also should be submitted to the Department in electronic format using one of the following methods:

(1) by e-mail attachment to dte.efiling@state.ma.us and william.stevens@state.ma.us; or
(2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify (1) the docket number of the proceeding (D.T.E. 03-87), (2) the name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written in either Corel Word Perfect (naming the document with a ".wpd" suffix), in Microsoft Word (naming the document with a ".doc" suffix), or as an Adobe PDF file (naming the document with a ".pdf" suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All documents submitted in electronic format will be posted on the Department's website, <http://www.mass.gov/dte>.

June 16, 2005
Date

\s\
William H. Stevens, Jr.
Hearing Officer

cc: Commission
Mary Cottrell, Secretary
Andrew O. Kaplan, General Counsel
Ron LeComte, Director, Electric Power Division
Michael Isenberg, Director, Telecommunications Division
Staff as Assigned

Att. Double Pole Status Grid